



Docket No.: 067471-0129

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Shigeyuki KOMATSU	:	Confirmation Number: Not Yet Assigned
Application No.: 10/593,277	:	Group Art Unit: Not Yet Assigned
Filed: September 18, 2006	:	Examiner: Not Yet Assigned
For: SEMICONDUCTOR DEVICE	:	

## RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notification of Missing Requirements of Application dated **July 10, 2008**. The Notification indicates that the declaration is missing. **It is believed that this Notification was mailed in error.** Submitted herewith is a copy of the executed Declaration and Power of Attorney which was filed with the U.S. National Phase Application on September 18, 2006. **This is further evidenced by the date-stamped return receipt postcard, the National Phase Application Transmittal (PTO Form 1390) dated September 18, 2006, and list of available documents for the above application retrieved from the PAIR.** It is therefore believed that the declaration filed with the U.S. National Phase Application on September 18, 2006 complies with 37 CFR 1.497 (a) and (b).

**Application No.: 10/593,277**

**Applicant respectfully request that the surcharge fee be waived** in view of the U.S. Patent and Trademark Office's issuing the Notification in error, as is apparent from the evidence presented herein.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time or petition fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty  
Registration No. 36,139

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF:ln  
Facsimile: 202.756.8087  
**Date: August 14, 2008**

**Please recognize our Customer No. 53080  
as our correspondence address.**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,277	Shigeyuki Komatsu	067471-0129

53080

MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, NW  
WASHINGTON, DC 20005-3096

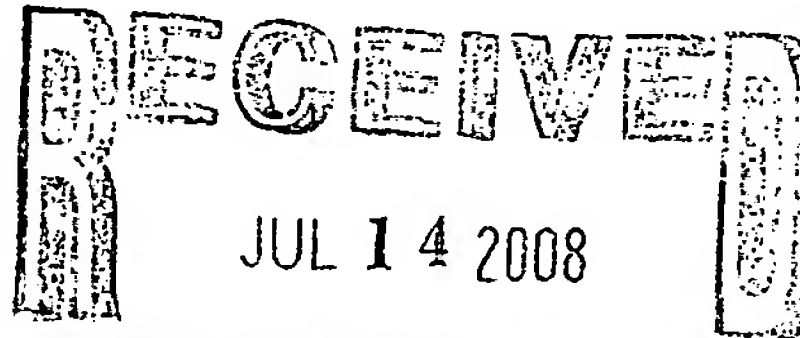
INTERNATIONAL APPLICATION NO.

PCT/JP05/04571

I.A. FILING DATE

03/15/2005

PRIORITY DATE



McDermott Will & Emery LLP  
DC Office

CONFIRMATION NO. 8833  
371 FORMALITIES LETTER



Date Mailed: 07/10/2008

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Copy of the International Application filed on 09/18/2006
- Copy of the International Search Report filed on 09/18/2006
- Preliminary Amendments filed on 09/18/2006
- Information Disclosure Statements filed on 09/18/2006
- Small Entity Statement filed on 09/18/2006
- U.S. Basic National Fees filed on 09/18/2006
- Substitute Specification filed on 09/18/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

22953

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VALERIE D KINARD

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Telephone: (703) 308-9140 EXT 182



United States Patent and Trademark Office

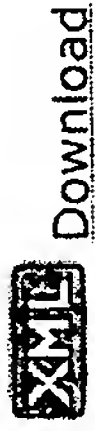
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Secured Patent Application Information Retrieval



10/593,277

Semiconductor device

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Application Data

Transaction History

Image File Wrapper

Community Data

Address & Attorney/Agent

Display References

Publication Review

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Patent Information

- [Patent Guidance and General Info](#)
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- [Trademarks](#)
- [Policy & Law Reports](#)

Available Documents

Mail Room	Date	Document Code	Document Description	Document Category	Page Count
07-10-2008	M905		Notice of DO/EO Missing Requirements Mailed	PROSECUTION	2
05-19-2008	STATUS.LET		Request for status of Application	PROSECUTION	2
04-17-2008	IDS.LET		Information Disclosure Statement Letter	PROSECUTION	2
04-17-2008	IDS		Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	2
02-21-2008	IDS.LET		Information Disclosure Statement Letter	PROSECUTION	2
02-21-2008	IDS		Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
10-11-2007	LET.		Miscellaneous Incoming Letter Transmittal of New	PROSECUTION	2

09-18-2006	TRNA	<u>Application</u>	PROSECUTION	2	<input type="checkbox"/>
09-18-2006	SPEC	<u>Specification</u>	PROSECUTION	34	<input type="checkbox"/>
09-18-2006	CLM	<u>Claims</u>	PROSECUTION	4	<input type="checkbox"/>
09-18-2006	ABST	<u>Abstract</u>	PROSECUTION	1	<input type="checkbox"/>
09-18-2006	DRW	<u>Drawings-only black and white line drawings</u>	PROSECUTION	17	<input type="checkbox"/>
→ 09-18-2006	OATH	<u>Oath or Declaration filed</u>	PROSECUTION	3	<input type="checkbox"/>
09-18-2006	WFEE	<u>Fee Worksheet (PTO-06)</u>	PROSECUTION	1	<input type="checkbox"/>
09-18-2006	A.PE	<u>Preliminary Amendment</u>	PROSECUTION	1	<input type="checkbox"/>
09-18-2006	SPEC	<u>Specification</u>	PROSECUTION	1	<input type="checkbox"/>
09-18-2006	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	1	<input type="checkbox"/>
09-18-2006	IDS	<u>Information Disclosure Statement (IDS) Filed (SB/08)</u>	PROSECUTION	3	<input type="checkbox"/>
09-18-2006	FOR	<u>Foreign Reference</u>	PROSECUTION	8	<input type="checkbox"/>
09-18-2006	FOR	<u>Foreign Reference</u>	PROSECUTION	7	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	PROSECUTION	2	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	PROSECUTION	3	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	PROSECUTION	1	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	PROSECUTION	2	<input type="checkbox"/>
09-18-2006	371P	<u>Documents submitted with 371 Applications</u>	PROSECUTION	3	<input type="checkbox"/>



09-18-2006	371P	<a href="#">Documents submitted with 371 Applications</a>	PROSECUTION	4	<input type="checkbox"/>
09-18-2006	FOR	<a href="#">Foreign Reference</a>	PRIOR ART	8	<input type="checkbox"/>
09-18-2006	FOR	<a href="#">Foreign Reference</a>	PRIOR ART	12	<input type="checkbox"/>
09-18-2006	FOR	<a href="#">Foreign Reference</a>	PRIOR ART	10	<input type="checkbox"/>
09-18-2006	FOR	<a href="#">Foreign Reference</a>	PRIOR ART	8	<input type="checkbox"/>
09-18-2006	ABST	<a href="#">Abstract</a>	PROSECUTION	2	<input type="checkbox"/>
09-18-2006	371P	<a href="#">Documents submitted with 371 Applications</a>	PROSECUTION	60	<input type="checkbox"/>

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- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the [webmaster@uspto.gov](mailto:webmaster@uspto.gov). While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

10/593277  
Not Yet Assigned

Applicant: <u>Shigeyuki KOMATSU</u>		Docket No. <u>067471-0129</u>	Serial No. <u>10/593277</u>
Title: <u>SEMICONDUCTOR DEVICE</u>		Patent No. _____	Express Mail No. _____
Date Sent: <u>9/18/2006</u>	<input checked="" type="checkbox"/> Hand Carried	<input type="checkbox"/> Fax	<input type="checkbox"/> Electronic
<input checked="" type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Cert. of Mailing	<input type="checkbox"/> 1st Class Mail	<input type="checkbox"/> Express Mail No. _____
New Patent App	<input type="checkbox"/> Utility	<input type="checkbox"/> Design	<input type="checkbox"/> Cont.
<input type="checkbox"/> Other:	<input type="checkbox"/> CIP	<input type="checkbox"/> Div.	<input checked="" type="checkbox"/> PCT
34 pages of Specification	<input type="checkbox"/> RCE	<input type="checkbox"/> Prov	<input type="checkbox"/> Letter submitting _____ pages of drawings
4 pages of Claims	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Req. for Approval of Drawing Amendments
1 pages of Abstract	<input type="checkbox"/> RCE	<input type="checkbox"/> Prov	<input type="checkbox"/> Req. for Oral Hearing
17 pages of Formal Drawings	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief
<input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Rule 312 Amendment/Letter
<input checked="" type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Req. for Acknowledgement of Cited Art
<input type="checkbox"/> Recordation of Assignment/Security Agreement	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Issue Fee
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Publication Fee
Form PTO 1449	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Req. for Certificate of Correction
6 References attached	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Maintenance Fee for _____ years after grant
<input checked="" type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input type="checkbox"/> Fee Address Indication Form
<input type="checkbox"/> Response to Missing Parts Notice	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input checked="" type="checkbox"/> International Search Report
<input type="checkbox"/> Resp. to Notice to Correct App. Papers	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input checked="" type="checkbox"/> Copy of International Published Application
<input type="checkbox"/> Certified Copy of Priority Doc.	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input checked="" type="checkbox"/> Forms PCT/IB/301, 304 and 308 (First and Second Notices)
<input type="checkbox"/> Claim for Convention Priority	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	<input checked="" type="checkbox"/> PCT Request
<input type="checkbox"/> Response/Amendment to Office Action of	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	
<input type="checkbox"/> Request for _____ month Extension of Time	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT	

IAP7 Rec'd PCT/PTO 18 SEP 2006

Check for	\$	<input checked="" type="checkbox"/> Charge Deposit Acct. 500417	\$ 900.00	Atty Init.	MEF	Tkpr. #	3328	Secy. or PL:	AMcClure
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MS Descrip.:	1-300.00 31-400.00 32-200.00	EARLY SERIAL NUMBER
THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.		



**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

067471-0129

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)  
Not Yet Assigned

INTERNATIONAL APPLICATION NO  
PCT/JP2005/004571

INTERNATIONAL FILING DATE  
March 15, 2005

PRIORITY DATE CLAIMED  
March 16, 2004

TITLE OF INVENTION  
SEMICONDUCTOR DEVICE

APPLICANTS FOR DO/EO/US  
Shigeyuki KOMATSU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information.
  - 1) International Search Report
  - 2) International Published Application
  - 3) PCT/IB/301, 304 and 308 (First and Second Notices)
  - 4) PCT Request

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) Not Yet Assigned		INTERNATIONAL APPLICATION NO. PCT/JP2005/004571		ATTORNEY'S DOCKET NUMBER 067471-0129	
				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> The following fees are submitted:					
<input checked="" type="checkbox"/> Basic National Stage Fee \$300				\$300.00	
22. <input checked="" type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200				\$200.00	
23. <input checked="" type="checkbox"/> Search Fee (37CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500				\$400.00	
TOTAL OF 21, 22 and 23 =				\$900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction Thereof (round up to a whole number)	RATE		
56-100	0/50=	0	X\$250	\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	13-20 =	0	x \$50.00	\$0	
Independent Claims	2-3 =	0	x \$200.00	\$0	
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$0	
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
SUBTOTAL =				\$900.00	
Processing fee of \$130.00 for furnishing the English translation later than the 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$0
TOTAL NATIONAL FEE =				\$900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$900.00	
				Amount to be refunded	\$
				Amount to be charged	\$900.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>500417</u> in the amount of <u>\$900.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500417</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:			September 18, 2006		
Customer Number 53080			SIGNATURE		
Telephone: 202.756.8000			Michael E. Fogarty		
Facsimile: 202.756.8087			NAME		
			36,139		
			REGISTRATION NUMBER		